

Defendant.

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) 2:10cv759
) Electronic Filing
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) Judge Cercone
) Magistrate Judge Lenihan
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)

MEMORANDUM ORDER

The above captioned case was initiated on June 4, 2010, by the filing of a civil rights Complaint (ECF No. 1). The case was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (ECF No. 20) filed on October 18, 2010, recommended that the Motion to Dismiss filed by Defendant Coleman (ECF No. 14) be granted. Plaintiff filed Objections on November 3, 2010 (ECF No. 21). Plaintiff's Objections do not undermine the recommendation of the magistrate judge.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

AND NOW, this 7 day of November, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant Coleman (ECF No. 14) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 20) dated

October 18, 2010, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Jonas Robert
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